

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CRAWFORD, et al.

Civil Action No.:
15-cv-00986-GTS-TWS

Plaintiffs,

v.

V & J UNITED ENTERPRISES, LLC, et al.,

Defendants.

STIPULATED ORDER OF DISMISSAL
PURSUANT TO FRCP 41(a)(2)

WHEREAS, Plaintiffs Samantha Crawford and William Lewis filed the August 12, 2015 Complaint against Defendants V & J United Enterprises LLC, V & J National Enterprises, LLC and Pizza Hut of America LLC (collectively the "Parties") asserting a single claim under New York Labor Law § 196-d (the "Matter");

WHEREAS, on February 29, 2016, V & J Employment Services, Inc., on behalf of V & J United Enterprises LLC and V & J National Enterprises, LLC (the "V & J Defendants") tendered payment to Plaintiffs Crawford and Lewis (the "February 29th Tender");

WHEREAS, the February 29th Tender provides Plaintiffs with more than the maximum amount of delivery fees, liquidated damages and interest than they would be entitled to receive if they prevailed on their claims in the Matter;

WHEREAS, the February 29th Tender was not an offer of judgment, or an admission of liability;

WHEREAS, Defendants contend the February 29th Tender moots Plaintiffs' claims for delivery fees, liquidated damages and interest under Section 196-d of the New York Labor Law (the "Section 196-d Claims") and further contend that the February 29th Tender does not constitute an offer of settlement;

WHEREAS, Plaintiffs dispute the February 29th Tender moots the Matter and further disputes the February 29th Tender does not constitute a settlement offer;

WHEREAS, Plaintiffs claim that they are also entitled to attorneys' fees and costs;

WHEREAS, Defendants dispute that Plaintiffs are entitled to attorneys' fees and costs;

WHEREAS, to avoid further motion practice in the Matter, the Parties have successfully settled Plaintiffs' claim for attorneys' fees and costs;

WHEREAS, no Party hereto is an infant or an incompetent person; and

WHEREAS, Plaintiffs claims are only under the New York Labor Law and not the Fair Labor Standards Act.

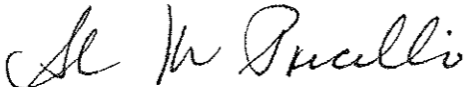
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned Parties and ordered by this Court that this action is hereby dismissed in its entirety as follows:

1. V & J Employment Services, Inc. is hereby joined as a Defendant in this Action; and

2. This Matter, including Plaintiffs' claims for attorneys' fees and costs, are dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. This dismissal is without costs, attorneys' fees, penalties, expenses or disbursements to any Party as against another.

Dated: March 25, 2016

BOND, SCHOENECK & KING, PLLC

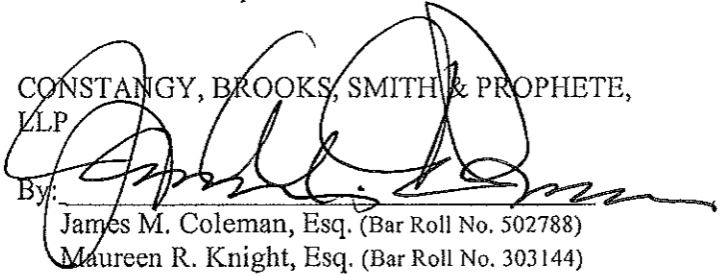
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SO ORDERED THIS

____ day of _____, 2016

Glenn T. Suddaby
United States District Court Judge